



Upper Uwchlan Township
Board of Supervisors
Regular Meeting
September 20, 2010

Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chairperson
Catherine A. Tomlinson, Vice-Chairperson
Kevin C. Kerr, Member

Township Administration

Cary Vargo, Township Manager
Gwen A. Jonik, Township Secretary
Karen Wertz, Treasurer
John DeMarco, Chief of Police
Al Gaspari, Codes Administrator
Mike Heckman, Director of Public Works
David Leh, Gilmore

Mr. Donatelli called the meeting to order at 7: 00 p.m., led the salute to the flag and offered a moment of silence.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve as presented the minutes of the August 16, 2010 Board of Supervisors meetings. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mrs. Tomlinson, to approve the payments to all vendors listed September 19 – 25, 2010. The Motion carried unanimously. Mr. Donatelli abstained from Check # 39202 as it is a client of his Firm.

Treasurer's Report

Karen Wertz reported the Finance Department continues working on: collections of delinquent accounts, drafting a 5-year plan, and the 2011 budget. The Township's finances are in good shape. Mrs. Tomlinson moved to accept the Treasurer's Report as presented, Mr. Kerr seconded, and the Motion carried unanimously.

Conditional Use Hearing: Calvin Chen, Applicant

Mr. Donatelli conducted the Hearing. Calvin Chen represented himself. Kim Kercher, Court Stenographer, recorded the proceedings.

Mr. Donatelli explained the Application. Mr. Chen wants to open a restaurant in Eaglepointe Shopping Center within the C-1 (Village Commercial) District and a Conditional Use Approval is necessary in order to have table service (wait staff). Mr. Donatelli entered the following exhibits:

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| Exhibit B1 | Conditional Use Application |
| Exhibit B2 | Upper Uwchlan Township Code Section 200-33 |
| Exhibit B3 | Proof of Publication in the Daily Local News |
| Exhibit B4 | A copy of the publication |
| Exhibit B5 | Building Permit plans- project data, restaurant layout, elevation plan |

Mr. Chen and Al Gaspari, Township Code Administrator, were sworn in and provided information regarding the project. Mr. Donatelli announced the Board of Supervisors will draft an approval letter which they'll adopt at the October Supervisors' meeting, and Mr. Chen could proceed with his plans. Mr. Donatelli closed the Hearing.

Supervisors' Report

Mr. Donatelli announced an Executive Session was held September 14, 2010 regarding real estate acquisition.

Denise Yarnoff, Esq. of Riley Riper Hollin & Colagreco, representing both Bentley Systems and Hankin Group, introduced a request by Bentley and Hankin to vacate the portion of West Township Line Road between Stockton and Pennsylvania Drives in order for Bentley Systems, a worldwide software company, to create an undivided Corporate Campus. Mike Malloy and Neal Fisher of Hankin, and Guy DiMartino of Traffic Planning & Design were also in attendance. A Hearing is requested in October to discuss and consider adoption of an Ordinance to vacate that portion of roadway. Access to the Corporate Campus is proposed from Pennsylvania Drive. Bentley Systems plans to expand their facility including construction of an 64,000 SF corporate office/research and development building in Upper Uwchlan Township, with offices for an additional 200 employees – software engineers.

The following residents offered the comments listed below: Hal Harper, Don Carlson, Ken Shauger, Bob Schoenberger, Pat Dennin, Bruce McFarland, Christine Peckman, Linda Pearson, Rick Channel, Steve McNaughton, and Jim Dewees.

Instead of closing the road construct a pedestrian underpass; use the traffic calming device employed in the rest of the Corporate Center – the boulevard with nice median areas; the inconvenience to residents/travelers is too great; the Township Planning Commission is not in favor of closure; will there be a traffic control device at Stockton and West Township Line as it is dangerous enough to cross there today; trails/walkways suggested for west of the intersection to increase pedestrian safety; what is the impact to timing of emergency response; can't Bentley move to another group of buildings within the Corporate Center; confirm true peak "hour" in the morning and the additional travel time if the road is closed; how will Bentley compensate the Township(s) for the land.

Responses to those comments included: the 1998 approved Plan shows the road was to be vacated - from a purely historical view, it made sense at that time and still makes sense to the Tenant; the Stockton Drive/West Township Line Road intersection will be a 3-way stop, which will be safer; the traffic study is being thoroughly reviewed and Hankin will install a traffic signal at Stockton and Rice (Uwchlan Township) when the Corporate Center is nearing full occupancy; the additional building/improved real estate will add to the property and Earned Income Tax base.

The Traffic Engineers are to confirm the actual A.M. rush hour timing and are to conduct additional studies to include UTI students' arrival and dismissal times.

Mr. Donatelli advised the Public Hearing for the Ordinance to vacate the road will be held October 18, 2010, 7:00 p.m. and comments can be offered at that time.

Mr. Donatelli read the following Emergency Services report for August: Ludwigs Corner Fire Co. – 2 fire calls, 11 QRS calls; Lionville Fire Co – 6 fire calls; East Brandywine Fire Co – 1 EMS call; Glenmoore Fire Co – 0 fire calls; Uwchlan Ambulance - 22 calls; and TeenAid – 5 calls.

Mr. Donatelli read the following calendar: Yard Waste Collections September 22, October 6 and October 20; Joint Boards & Commissions Workshop October 12, 2010 4:00 p.m.; Board of Supervisors' Meeting October 18, 2010 7:00 p.m.; and Trick Or Treating October 31, 2010 6:00-8:00 p.m.

Administrative Reports

Township Engineer's Report

Dave Leh reported a Subdivision and Land Development Plan has been received from Great Country LLC (Smaltz) and the Valley Forge Vineyard Church project is complete.

Building-Codes Department

Al Gaspari reported 44 building permits were issued in August, totaling \$15,222 in fees; the lights at Fellowship Fields are operational; maintenance projects are being completed at Hickory Park as the fields can now be rested; and maintenance projects are being completed at the Township Building and Upland Farm.

Police Chief's Report

Chief DeMarco reported that during August 708 complaints were logged, 171 traffic citations were issued and 17 criminal arrests were made.

Public Works Department

Mike Heckman reported the Department's activities included building construction and field maintenance at Fellowship Fields; roadway patching; pipe crossings; roadside mowing; toter cart exchanges; and Hickory Park volleyball court maintenance.

LAND DEVELOPMENT

Guy Donatelli introduced and described a minor subdivision plan (Lot Line Change) by Roberta Moore proposing the transfer of .905 acre from the adjacent property owned by Heather Devine.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to approve the Lot Line Change Plan for Roberta H. Moore as prepared by Regester Associates, Inc. dated August 19, 2010 accompanied by the following waivers:

1. The plans shall be revised to address the comments listed in Gilmore & Associates' August 27, 2010 review letter;
2. A waiver from SLDO Section 162-7.A.(1).(e). to allow for the possibility of future subdivision on the Moore Property is granted;
3. A waiver from SLDO Section 162-9.C.(2).(b). which requires a site analysis, impact plan and conservation plan be provided is granted.

The Motion carried unanimously.

Cary Vargo introduced a Resolution to authorize submission of the Jonathan Thir project sewage planning module to the PaDEP for their review. This approved office building project is located on Park Road, at Ticonderoga Boulevard.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #09-20-10-17, authorizing sewage planning module submission to DEP. The Motion carried unanimously.

Steve McNaughton and Bob Schoenberger suggested installation of a school warning sign on Ticonderoga Blvd.

Valley Forge Vineyard Church requests a final release of escrowed funds for their project on Fellowship Road at Route 401. Dave Leh reported the Church has completed all outstanding issues and recommended the escrow release.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to release the final escrowed amount. The Motion carried unanimously.

Administration

Guy Donatelli reported the Township is actively pursuing the purchase of a property for our Public Works facility - 132 Oscar Way – in the Eagle Industrial Park. This property is attractive due to the fact that the existing structure is large enough to house the equipment as well as perform maintenance/repair tasks indoors. The Township will have the structure inspected, the

septic system certified, and the boundary surveyed. The funds for the project are included in the recently approved Line of Credit.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to adopt Resolution #09-20-10-18 authorizing the acquisition of the 132 Oscar Way. If all goes well, the Public Works Department could be moved late November. The Motion carried unanimously.

Mr. Donatelli explained that Keystone Collections won the bid for County-wide collection of the Earned Income Taxes beginning January 1, 2012. Mr. Donatelli moved to advertise the Earned Income Tax Collection Ordinance, which provides for tax collections consistent with the Tax Collection Committee's program. Accelerating Keystone's services to begin January 1, 2011 is being considered by Resolution. Mr. Donatelli moved to table the Resolution adoption until greater details were clarified by the TCC. Mr. Kerr seconded and the Resolution is tabled until the October meeting.

Cary Vargo described the Township's desire to change Workers' Compensation coverage to Delaware Valley Workers Compensation Trust, representing an 18% savings. The Township would also save on healthcare costs with this coverage being bundled with the same Firm.

Mr. Donatelli moved, seconded by Mr. Kerr, to adopt Ordinance # 2010-08 authorizing participation in the Delaware Valley Workers Compensation Trust and executing the Trust Agreement. The Motion carried unanimously.

Open Session

Don Carlson brought in Township-related documents he had retained while on the Board of Supervisors.

Steve McNaughton commented the Township should annually request pipeline safety reports from the pipeline Owners. Hal Harper echoed the comment and would also request pipeline replacement schedules due to aged pipes.

John Shaw encouraged the Township to continue moving forward with the Park Road Trail, from Hickory Park to Marsh Creek State Park, even if funds need to be borrowed.

Jeff Hanna commented that he wasn't notified about QBD's building project on Byers Road and he shares access with that property. Mr. Donatelli explained that neighbors are notified or public notices posted when zoning issues or conditional use requests are involved. Mr. Vargo offered to review the plans with Mr. Hanna.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary